

## DEUEL PAID BY TOWN TOPICS.

DOWN ON THE BOOKS AS COUNSEL  
ALTHOUGH A MAGISTRATE.

Salary in That Capacity \$1,200 and Other Sources of Income—Trial of Norman Hapgood for Criminal Libel Resumes, So Far, a Trial of the Complaint.

Justice Joseph M. Deuel of Special Sessions spent an uncomfortable day on the stand yesterday at the trial of Norman Hapgood, editor of *Call*, for criminal libel. Justice Deuel, who is the complaining witness, first testified that since 1895 he had not been counsel for Col. William D'Alton Mann of *Town Topics*, nor counsel for the company. Then it was brought out by the records of the company that in 1901 a salary of \$1,200 was voted to Justice Deuel as counsel on his own motion, he being an officer and stockholder in the company, and that he also got a bonus of \$1,000 for "most services." The law is that a City Magistrate or Justice of Special Sessions shall not "carry on any business, or practice as an attorney and counsel in any court in this State."

It was also shown that Justice Deuel is an officer and director in other publications allied with Col. Mann's interests, and that he draws a salary of \$1,800 from at least one of them. Justice Deuel admitted that he drew the salaries for some of the companies, and that in one instance he got the lawyer's fees from the Title Guarantee and Trust Company, which searched the title to property bought by Col. Mann's daughter, on which a new *Town Topics* building is to be built.

Justice Deuel is the only witness for the prosecution. His direct testimony took up about ten minutes and the rest of the day he was under cross-examination. He will be cross-examined further today. Then the Colliers have a number of witnesses, and the case will last out the week.

District Attorney Jerome is conducting the prosecution himself, assisted by Assistant District Attorney O'Connor. Justice Deuel was cross-examined by James W. Osborne, Edward M. Shepard now and then suggesting questions. Mr. Shepard argued questions of law, and in one instance he said that it might be supposed from the case was being conducted that Justice Deuel and not Mr. Hapgood was on trial.

A dozen or more women were present, including Mrs. Robert J. Collier. The "widow," who writes for *Town Topics*, was there. Col. Mann had a front seat, and a negro sat near him with a copy of that expensive book called "Fads and Fancies."

Justice Deuel first told of the various jobs he had had under the Federal Government—as many as five at one time—and then of becoming a Police Justice, City Magistrate in 1895, and finally a Justice of Special Sessions in 1903. His first met Col. Mann in 1883 in connection with some law business. About the same time he met Col. Mann's brother, Eugene D. Mann, now dead. He also did some law business for him. He had never ceased to advise Col. Mann, he said, but he was not his attorney from the time he became a Magistrate. He first got stock in *Town Topics* in 1890.

"Get it for nothing or pay money for it?" asked Mr. Osborne.

"I paid no money for it," said the witness, after a long pause. "It was for services rendered prior to 1895."

That was the year that the law went into effect about Justice carrying more than one business. Col. Mann's daughter, Mrs. Emma Mann Vynne, who later became Mrs. Wray, gave him the stock. He had been her lawyer, he said, and she gave him five shares. Two or three years later he got more stock—thirty shares at \$10 a share.

"You don't mean to say you are still a member of the bench?" said Mr. Osborne.

Mrs. Deuel bought the stock, he was said. He advised her to buy it. Mr. Osborne then tried to bring out that Justice Deuel must have looked carefully into the financial affairs of *Town Topics* before he advised his wife to buy the stock, but Justice Deuel couldn't remember that he had.

Justice Deuel said he became vice-president of *Town Topics* in 1895 or 1897. He is still vice-president.

"Was that an honorary position or did it carry duties?" Mr. Osborne asked.

"It didn't carry duties," said Justice Deuel.

Justice Deuel couldn't remember that he signed reports of the company's business, and that he stood by the Secretary of State. Mr. Osborne produced two reports signed by Justice Deuel.

At the afternoon session Mr. Osborne began by questioning Justice Deuel about his connection with the other Col. Mann enterprises. He is a director in the Eastern Publishing Company, the Boston Book Publishing Company and the Publishers and Printers' Realty Company. Col. Mann is president of all these companies. Justice Deuel is vice-president of the last company. The Publishers and Printers' company is the organization formed to put up the building for *Town Topics*. Justice Deuel said he was a director in another company which furnishes brooms' supplies. He drew up the charter for that company, as well as the charters for the Eastern and Boston Book publishing companies, but he did not draw up the charter for *Town Topics*. He talked to Col. Mann about *Town Topics*, and he drew up the charter for it. He also talked with Tom Watson's representative, Dr. John H. Glover, about it, and gave Col. Mann some advice. All of these things happened within the last five years.

"Were you engaged in any other law business while a Justice of Special Sessions?" asked Mr. Osborne.

"None that I can think of," said Justice Deuel.

"All these matters I have asked you about are matters of record," said Mr. Osborne. "Your memory might be refreshed by looking at the record. You did not neglect your duties in connection with these concerns because of your duties on the bench?"

"I didn't know they conflicted," said the witness. He said he read manuscripts for the *Ess-Ess* company. He never read manuscripts on the bench, he said. He read them at his home. He denied that his opinion on manuscripts was final if the other readers disagreed. He wrote an "opinion" on a separate piece of paper and that went to Col. Mann.

"You got a rebate from the title company—the fees that usually go to a lawyer in such a proceeding?"

"That is right."

"And you got a salary of \$1,200 from *Town Topics*?"

"I did."

"And a salary of \$9,000 from the city?"

"Yes."

Then Justice Deuel said he got a salary of \$1,800 from the *Ess-Ess* company. He rendered no services for the salary from either company, he said. It was paid to him in appreciation of services rendered twenty years back.

"A bonus or tip?" asked Mr. Osborne.

"No; just a salary."

"What he wants to know," said the District Attorney, "was it a gratuity?"

"Yes, it was," said Justice Deuel.

ceedings by asking the District Attorney for certain books of *Town Topics*. A record in the minute book of the meeting showed that there was a meeting of the directors on December 7, 1901. Col. Mann, Justice Deuel and Mrs. Wray, Col. Mann's daughter, were present. Justice Deuel offered a resolution, saying that although the earnings of the company had not been figured out for the year they were so great that a proposition should be entertained to remunerate the officers for their efforts in the past, so that they might be encouraged to do better. Mrs. Wray then offered a resolution that to "the title of vice-president should be added that of counsel with a salary of \$1,200 a year," and that the vice-president should receive "a bonus of \$1,000." The resolution was unanimously carried.

"I think the \$1,200 you got yearly was as counsel?" said Mr. Osborne.

"According to that language," said Justice Deuel, "after that you took your desk in the *Ess-Ess* offices?"

"My recollection is that it was."

"So then you were the counsel for *Town Topics*?"

"If it says so there it is right."

"Of course it is right," shouted Mr. Osborne. "There is the record."

"And you did your duty as counsel?" continued Mr. Osborne.

"Yes, by all means," said Justice Deuel.

That ended Justice Deuel's examination for the day. Mr. Osborne announced that the cross-examination would take up a great part of today.

**BURLEN LEAVES BOSTON.**

Secretary of Provident Securities and Banking Co. Said to Have Gone to Canada.

Boston, Jan. 16.—Lorenzo W. Burlen, secretary and treasurer of the defunct Provident Securities and Banking Company, has departed from Boston and is believed to have arrived in Montreal about 6 o'clock to-night. He was not at his home in Brookline last evening when Superintendent of Police Pierce called to see him, and through his attorney he refused to visit District Attorney Moran's office at the latter's request. Burlen's counsel said he intended his client not to submit to Moran's third degree.

Burlen is believed to have left Boston at 6 o'clock this morning for Canada. No warrant has been issued for his arrest. Said to have been desiring to quit him on the banking company's methods. Word was received here early this afternoon from Mr. Burlen's attorney that he was on the Montreal train, and at 6 o'clock to-night, when the train reached St. Albans, N. H., the secretary-treasurer received a despatch from Albany and continued on into Canada.

It is said that Charles D. Currier, one of the directors of the company, has left New York and is also on his way to Montreal, his purpose being to have a conference with Burlen.

The District Attorney says he has learned that on the night of January 4, the day before the banking place was closed by the court, Burlen called at police station 2 to have an officer go with him to the bank. He wanted to get in there, he said, to obtain some private papers. He said that he was afraid to go there alone lest he might be recognized by the detectives.

Burlen went to the bank, the patrolman waiting outside with another patrolman while Burlen and his son went inside and brought out some boxes. They then drove to the police station. What Mr. Moran is anxious to ascertain now is the contents of the boxes.

**CHICAGO GRAIN RATES.**

Board of Trade Traffic Director Makes Offer to Buy Grain from Chicago.

Chicago, Jan. 16.—In his first annual report submitted to the Board of Trade, Mr. Boyd, traffic director for the organization, took the railroads severely to task for compelling Chicago to cease being a factor in the exportation of grain from the Mississippi River.

Mr. Boyd's report was presented before it was known that the Warshaw had decided to put in a rate of 23 cents on export grain from the river to the seaboard by the way of Kansas City, making the cost of transport all the greater.

"I cannot justly be held," says the report, "that great terminal markets such as Chicago and St. Louis have no rights to be respected in connection with the Missouri River export question. That would be to saddle all the advantages, natural and artificial, resulting from a favorable location, as well as to ignore the principles of economy of operation, which railroads can hardly afford to do."

Mr. Boyd is called to the fact that the handling of grain requires vast facilities, which must be operated continuously to pay, and that such facilities are at Chicago, St. Louis, Kansas City and Minneapolis.

"These facilities," he added, "were constructed at a heavy cost and in the handling of grain the expenditure of the railroads is a natural and necessary factor, therefore, to expect from the railroads special treatment as will prevent natural advantages from being neutralized by artificial advantages in favor of competitors not so well located."

It is understood a letter protest will be sent against the action of the Warshaw and efforts will be made to induce the railroads to afford this market relief.

**SILK TRADE PROSPECTS BETTER.**

Exporters for the coming spring will hold the Pezzoli manufacturers.

Prospects for the year in the silk trade are fairly determined. Fashion trends still toward white cotton goods, but there are these encouragements for silk manufacturers.

"Staples" by which term the trade refers to plain weaves, are in better demand. "Cut up" people, that is, women workers, are buying more than before. There is a steady demand for silk articles of dress and more in favor with women than they used to be. And last, Paris, where women's fashions are set, indicates that articles and styles of silk will be used on "white goods" gowns. Hats of Paris models are to be decorated with ribbon. So the ribbon end of the trade prospects to hold its own.

Several failures have occurred in the trade, but they were not failures of large houses, though one was for \$100,000.

Disbursements are still in the way of the manufacturers, say, "and while we see now a little better season than last fall and summer, we won't know the best of the season till the first of February, when the factories will be hard pressed, but the larger ones will be able to weather it for another year."

**MINNESOTA FREIGHT TARIFF.**

Railroad and Warehouse Commission Has a Scheme of Sweeping Reduction.

St. Paul, Jan. 16.—The Railroad and Warehouse Commission today presented a maximum merchandise tariff to officials of Minnesota roads and asked them to show cause why it should not be adopted as a basis hereafter. The proposed tariff is a sweeping reduction.

The commission took an average of the present distributing rates on first class freight made for given distances by seven roads—the Northern Pacific, Great Northern, Soo, Great Western, Milwaukee, Omaha and Minneapolis and St. Louis. The proposed tariff makes a reduction from that average of 30 cents, or 25 per cent, on a fifty mile haul; 25 cents, or 20 per cent, on a hundred mile haul; 20 cents, or 15 per cent, on a 150 mile haul; 15 cents, or 10 per cent, on a 200 mile haul; 10 cents, or 5 per cent, on a 250 mile haul; and 5 cents, or 5 per cent, on a 300 mile haul.

**Controls Traffic Over 14,000 Miles.**

W. B. Fiddle, traffic manager and third vice-president of the Rock Island system, has been appointed traffic manager of the St. Louis and San Francisco Railway, which is controlled by the Rock Island interests, a success. Third Vice-President A. S. Weyer, who has been assigned to that duty. He will also be traffic manager of the Chicago and Eastern Illinois, which is controlled by the Frisco. These changes will place one man at the head of the traffic business of about 14,000 miles of railroad, it is in line with the changes which have been made on the other great systems.

**ROAL**  
Baking Powder  
Absolutely Pure.

## SEEKS A BUDDHIST MONK'S KIN

STATE OF NEW YORK INFORMED THAT IT SEEKS IN VAIN.

Disciples of Swami, Who Died Here Leaving a Will, Are His Heirs at Law in Bengal—Unlawful to Mention and Therefore Impracticable to Cite Any Others.

A complication over a will has been puzzling Probate Clerk Washburn here, but he declared yesterday that the matter had been all straightened out.

The will is that of Swami Vivekananda, a Buddhist monk, who died in his monastery in India on July 4, 1902. The Swami often came here, as Swamis do, among his acquaintances was Mrs. Sarah C. Bull of Cambridge, the widow of Ole Bull. Ole Bull visited India and doubtless it was on one of these visits that Mrs. Bull became acquainted with some members of Vivekananda's faith.

The monk made his will here on July 6, 1900, and directed that the residue of his estate be divided equally among his five executors, Swami Brahmananda of Beloor Math, Howrah district, Bengal, a disciple of the late Rama Krishna Paramahansa of Dakshineswar, Bengal; Swami Saradananda, another disciple; Margaret E. Noble of England, otherwise known as Sister Nivedita, a disciple of the testator himself; Francis H. Leggett, the grocer, and Mrs. Bull.

Beloor Math is the monastery at Beloor, with which the monk was affiliated and Brahmananda is the Abbot. Sister Nivedita lived at 17 Essex Place, London, W. C. 2, England. The will was witnessed by S. Ellen Waddy of 249 Monroe street, Brooklyn, and Edwin Clinton Harvey of 218 West Twenty-fourth street.

There being no wife or child, Mrs. Bull and Mr. Leggett, acting as required by the laws of this State, tried to discover who were the heirs at law and to issue citation to be notified of an application to probate the will.

Here the State of New York found itself against the Hindu religion, for Mr. Bull and Mr. Leggett barred that on becoming a monk Vivekananda had renounced all his kin and kin, so that even if there were any, which was not known, they were not to be considered as heirs. The will was not a will of the Swami's fellow disciples, no information of them would ever be given by the managing authorities. Mrs. Bull wrote to Miss Noble, and got this reply on March 9 last:

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